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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Chiam GILON	Art Unit: 1639
Application No.: 10/034,212 Confirmation No.: 7766	Examiner: J. Epperson
Filed: January 3, 2002	Washington, D.C.
For: NEW HETEROCYCLIC COMPOUNDS, METHOD OF DEVELOPING NEW...	Atty.'s Docket: GILON=1
	Date: July 15, 2004

Customer Window, Mail Stop AMENDMENT
THE COMMISSIONER OF PATENTS AND TRADEMARKS
Arlington, VA 22202

Sir:

Transmitted herewith is a [XX] SUPPLEMENTAL REPLY TO ELECTION REQUIREMENT in the above-identified application.

[ ]   Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[ ]   A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[ ]   No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA EQUALS	SMALL ENTITY RATE	ADDITIONAL FEE	OR	OTHER THAN SMALL ENTITY RATE	ADDITIONAL FEE
TOTAL	*	MINUS	** 20	0	x 9	$		x 18	$
INDEP.	*	MINUS	*** 3	0	x 43	$		x 86	$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 145	$		+ 290	$
				ADDITIONAL FEE TOTAL		$	OR	TOTAL	$

*   If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

**   If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

***   If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX]   Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ]   It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity			Other Than Small Entity		
Response Filed Within			Response Filed Within		
[ ] First	-	$ 55.00	[ ] First	-	$ 110.00
[ ] Second	-	$ 210.00	[ ] Second	-	$ 420.00
[ ] Third	-	$ 475.00	[ ] Third	-	$ 950.00
[ ] Fourth	-	$ 740.00	[ ] Fourth	-	$1,480.00
[ ] Fifth	-	$1,005.00	[ ] Fifth	-	$2,010.00
Month After Time Period Set			Month After Time Period Set		

[ ]   Less fees ($_____) already paid for ___ month(s) extension of time on _____

[ ]   Please charge my Deposit Account No. 02-4035 in the amount of $_____.

[ ]   Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of $_____.
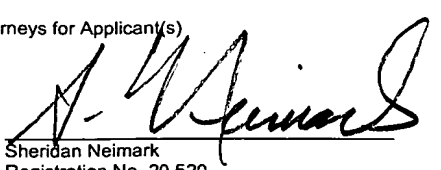
[ ]   A check in the amount of $_____ is attached (check no.).
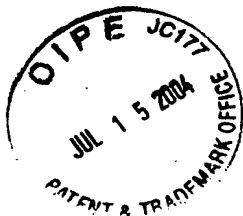
[XX]   The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

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ATTY.'S DOCKET: GILON=1

In re Application of:) Art Unit: 1639
)
Chiam GILON   ) Examiner: J. Epperson
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Appln. No.: 10/034,212   ) Washington, D.C.
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     METHOD OF DEVELOPING NEW...)

SUPPLEMENTAL REPLY TO ELECTION REQUIREMENT: AND REPLY TO COMMUNICATION MAILED JUNE 30, 2004

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop AMENDMENT**
Crystal Plaza Two, Lobby, Room 1B03
Honorable Commissioner for Patents
Arlington, Virginia 22202

Sir:

The Communication mailed June 30, 2004, holds

applicant's Reply filed March 30, 2004, to be allegedly "not

fully responsive to the prior Office Action...". Applicant

respectfully traverses this holding.

Applicant replied to every point raised in the

Office Action, and therefore the Reply filed March 30, 2004,

was fully responsive. As is not unusual, the examiner may

find something in the Reply with which the examiner does not

agree, but that does not make the Reply non-responsive. Applicant fully identified the elected species; and if the examiner disagrees with the listing of claims which applicant states read on the elected species, then the examiner has a right to disagree with the applicant's listing and to refuse to examine a claim which the examiner believes does not read on the elected species (and, of course, the applicant then has a right to traverse the examiner's action in that regard).

Applicant respectfully requests the examiner to withdraw the Communication mailed June 30, 2004.

Nevertheless, to move things along more quickly, applicant respectfully supplements the Reply filed March 30, 2004, by re-listing the claims which read on the elected species as being claims 1-8, 12-24 and 28-34, thus dropping claim 11 from the previous listing of claims which read on the elected species.

To the extent necessary, applicant also respectfully repeats by reference everything else stated in the Reply filed March 30, 2004, and especially applicant's traversal of the various requirements which, if maintained, would place an onerous burden on the applicant.
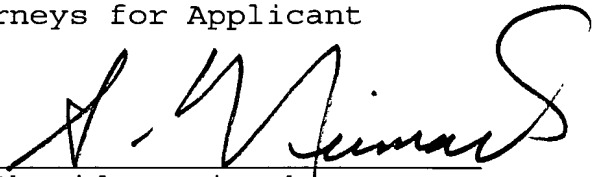
Applicant respectfully awaits the results of a

first examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By _____

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